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July 27, 1999

**VIA HAND DELIVERY**

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Room TW-B204  
Washington, D.C. 20554

RECEIVED  
JUL 27 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: RM-9649

Dear Ms. Salas:

On behalf of The Telecommunications Industry Association ("TIA") Fixed Point-to-Point Communications Section of the Wireless Communications Division, we are filing an original and four (4) copies of its Reply Comments in the above cited matter.

If there are any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, PLC

*Leonard Robert Raish*

Leonard Robert Raish  
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Enclosures

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

**RECEIVED**  
 JUL 27 1999  
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 OFFICE OF THE SECRETARY

In the Matters of	)	
Partial-Band Licensing of Earth	)	
Stations in the Fixed Satellite	)	
Service that Share Terrestrial	)	
Spectrum	)	RM 9649
	)	
Petition for Rule Making to Set	)	
Loading Standards for Earth	)	
Stations in the Fixed Satellite	)	
Service that Share Terrestrial	)	
Spectrum	)	

**REPLY COMMENTS  
 OF THE  
 TELECOMMUNICATIONS INDUSTRY ASSOCIATION  
 THE FIXED POINT TO POINT COMMUNICATIONS SECTION  
 OF THE WIRELESS COMMUNICATIONS DIVISION**

The Telecommunications Industry Association (TIA)<sup>1</sup> Fixed Point-to-Point Communications Section ("Fixed Section") of the Wireless Communications Division submits these Reply Comments in the above cited proceeding.

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<sup>1</sup>TIA is a full-service national organization with membership of over 1000 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries around the world. TIA represents the telecommunication industry in association with the Electronic Industries Alliance. On occasion, TIA files its own name representing the entire association. Sometimes a product-oriented division or section of such division of TIA will file in a proceeding representing the views of only the members of that division or section. This filing is such a filing from the Fixed Point-to-Point Communications Section of of the Wireless Communications Division of TIA and is in response to the filing of the Fixed Wireless Communications Coalition ("FWCC").

It is not surprising the satellite community spoke virtually as one in opposition to the filing of the Fixed Wireless Communications Coalition (FWCC). For the most part, many of those opposing the FWCC initiative speak in self-serving generalities aimed at preserving a system that facilitates their unhindered access to spectrum. Those same parties seem to overlook the fact that the finite radio frequency spectrum must be managed to accommodate effectively all telecommunications interests and, not just satellite communications interests.

The Fixed Section notes the FWCC filing in this proceeding occurred about two weeks after the Commission conducted its March 8, 1999 En Banc hearing on spectrum management. The FWCC filing, as seen by the Fixed Section, is consistent with Commission efforts to manage the spectrum, taking into account all of its constituent interests. For this reason, the Fixed Section supports the FWCC Request for Declaratory Ruling and Petition for Rule Making cited herein above.

The existing frequency coordination and licensing processes for Satellite Earth Stations compared to that for Terrestrial Stations have not been adjusted to reflect the increased sharing requirements that have developed over recent times. The point has now been reached where there is now a clear preference favoring satellite systems over terrestrial systems. The changes proposed in the FWCC filing have the potential to encourage more efficient system utilization by new satellite systems. This has created no more of a requirement than that already imposed on terrestrial users by the need for increased sharing that has occurred over the last several years.

The Fixed Section recognizes the satellite community has some unique operational constraints with regard to the amount of spectrum required and the need for flexibility in pointing to the space segment. However, these operational constraints should not necessarily preclude the

Fixed Services ("FS") from operating in the vicinity of an Earth Station. The FWCC Petition clearly identifies a major inequity in the sharing rules in that the current rules for satellite earth station licenses do not require the earth station licensee to limit their requirement for spectrum to the amount actually intended to be occupied plus a reasonable additional buffer. Therefore, the current process limits the ability of terrestrial stations to grow in the proximity of an established earth station that has typically reserved spectrum far in excess of any realistic estimate of potential use. Further, the Petition illustrates that the present spectrum sharing rules have caused some bands to be largely unusable for growth to the FS and have effectively been abandoned as FS growth bands, although in principal these bands are still shared. This inability to share spectrum has contributed greatly to the concerns of the FS community as more and more bands are being required to be shared.

Under the current rules sharing between dissimilar services has resulted in an inequity to one of those services, i.e., the terrestrial fixed service. This has been demonstrated at 2165-2200 MHz, 3.7-4.2 GHz, and most recently 18 GHz. Coordination of new FS routes in metropolitan areas in the 5.9-6.4 GHz band is extremely difficult due to the existing Geosynchronous Satellite Orbit ("GSO") satellite uplinks which are coordinated on a full-band/full-arc basis. Further, sharing at 11 GHz between FS and Non-Geosynchronous Satellite Orbit ("NGSO") satellites in the Fixed-Satellite Service ("FSS") results primarily in frequency avoidance by the FS.

Full-band coordination blocks FS growth. And, while the FS is able to identify "growth frequencies" in coordinators data bases, these frequencies MUST be relinquished when required by satellite users.

From the perspective of the Fixed Section, the FWCC Petition has highlighted many concerns that members of the FS community have raised over recent years because of difficulties that community has experienced in getting equitable access to spectrum it had previously operated in with only some limited constraint.

The Fixed Section supports the FWCC in that Prior Coordination Notice interference case resolution should be fair and that initial case resolution should be considered in subsequent coordination. The rules proposed in the FWCC Petition will facilitate and ensure that equity will be applied. Since the Prior Coordination Notice process is an industry activity, the National Spectrum Managers Association should be consulted in finding ways to implement new rules in interference case resolutions. However, the gross reservation of spectrum for satellite use "in case they should need it" should not be permitted.

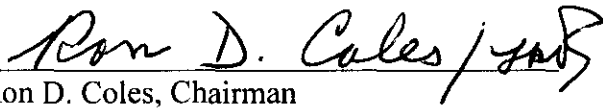
The FWCC Petition seeks only to impose equitable bandwidth utilization requirements upon the FSS as have been imposed on the FS.

Given the reasons addressed above, the FCC should support the Petition for Declaratory Ruling filed by the FWCC and should adopt the proposed rule changes to 47 CFR Part 25. The

proposed rules would serve to provide a more equitable sharing policy to permit both services to prosper and grow, thereby benefitting both the FS and FSS users and ultimately the American public who are served by these services.

Respectfully submitted,

Telecommunications Industry Association  
Fixed Point-to-Point Communications Section  
of the Wireless Communications Division



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Date: July 27, 1999

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I, Chellestine Johnson, hereby certify that true copies of the foregoing "Reply Comments" were sent this 27th day of July, 1999, via first-class mail, postage prepaid (except as noted) to the following:

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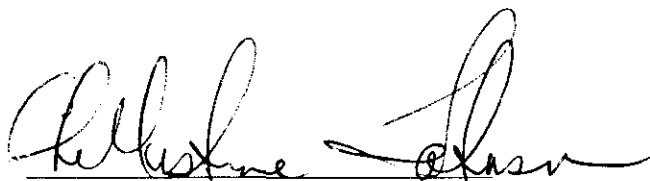
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